

**From: Bryan Sweetland – Cabinet Member for Communications, Engagement, People and Partnerships**

**Amanda Beer – Corporate Director – People and Communications**

**To: Personnel Committee**

**Date: 23 June 2021**

**Subject: Employee Relations Casework Activity**

**Classification: Unrestricted**

**Summary:** This report updates Personnel Committee on employee relations case work activity for the period 1 April 2020 to 31 March 2021.

**Recommendation(s):**

Personnel Committee is asked to note the report of employee relations activity including senior officer appeals hearings.

## **1. Introduction**

- 1.1 Personnel Committee are provided with an update on the numbers of discipline, capability, resolution, and Employment Tribunal cases to provide an overview of the level of activity and distribution of cases. This report updates the Committee on the activity for the year 1 April 2020 – 31<sup>st</sup> March 2021.
- 1.2 The case activity reflects the range of Employee Relations (ER) cases our KCC managers are managing. The focus is on managers leading performance management with the support of a range of management development interventions delivered through the framework of the People Strategy. The HR Team continues to take the lead in working with and coaching managers to raise standards and their confidence in managing employee relations cases.

## **2. Case Analysis**

- 2.1 The analysis of activity for the year is set against the challenges of managing cases in the context of the response and recovery phase of the COVID19 pandemic. Initially, some conduct case activity was paused to allow for adjustments to be made to manage activity appropriately. As expected from the half year position, the greatest volume of cases in the year are those concerning ill health, however the number has reduced from the previous two years indicating managers are successfully adopting the interventions and tools in place and the embedded Health and Wellbeing strategy is having a positive impact on the management of cases such that the need to formalise sickness cases has reduced. (Appendix 1).

- 2.2 Analysis of disciplinary case activity indicates a slight reduction from the previous year. This may well indicate that managers are able to identify issues at an early stage and are taking steps to address this type of case through the appropriate channels with HR support and advice.
- 2.3 The overall resolution case activity, including those involving bullying and harassment, is lower than the previous year. This may also indicate the successful management of these types of cases through early conversations using informal channels with managers taking a proactive approach.
- 2.4 There has been a small increase in the case activity concerned with the management of performance against the previous two years reflecting our managers approach to addressing issues of performance formally where necessary and where informal performance management approaches have not been successful.
- 2.5 Analysis of the number of Employment Tribunal and Early Conciliation cases against KCC, whilst showing an increase in level, still remains relatively low for an organisation of its size. The increased number is to be expected given there have been delays in cases being progressed through the Tribunals. There are ten claims currently pending and four have been settled or withdrawn. Of the eight Early Conciliation cases where discussions take place through ACAS, three cases were settled and two withdrawn.

### 3. Dismissal appeals heard by senior officers

- 3.1 Appeals against dismissal (other than staff in probation) are managed through HR and members of the Challenger Group are expected to sit on the appeal panel supported by Invicta Law and HR. Appeal decisions are therefore taken by a range of senior officers.
- 3.2 From 1 April 2020 to 31 March 2021 six dismissal appeals were heard. The table below illustrates the distribution of cases between Directorates, case type and outcomes. Five of the appeals were unsuccessful and one was successful.

Directorate	No. of Appeals	Case Type	Outcomes
Growth, Environment & Transport	1	1 x Performance & Capability dismissal	Appeal not upheld
Children, Young People & Education	1	1 x Disciplinary Dismissal	Appeal upheld
Adult Social Care and Health	4	4 x Disciplinary Dismissal	Appeal not upheld Appeal not upheld Appeal not upheld Appeal not upheld
<b>TOTAL</b>	<b>6</b>		

#### 4. Conclusions

ER case activity, whilst set against the response and recovery phase of the COVID19 pandemic for the year, continues at levels similar to previous years, with a slight decrease in ill health cases and slight increase in cases progressed through Early Conciliation. Cases pending at Employment Tribunal have also increased slightly due to the delays in cases being progressed at the Tribunals.

#### **Recommendation(s):**

Personnel Committee is asked to note the report of employee relations activity including senior officer appeals hearings.

Report Author: Paul Royel

Relevant Director: Amanda Beer

Name, job title: Head of HR & OD

Name, job title: Corporate Director People & Communications

Telephone number: 03000 416631

Telephone number: 03000 415835

Email address: paul.royel@kent.gov.uk

Email address: amanda.beer@kent.gov.uk

**Background Documents:** None